

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1-9 are rejected under 35 U.S.C. 102(b) over the patent to Hayashi.

Claims 1-9 are rejected under 35 U.S.C. 102(b) over the patent to Leroy.

Claims 10-11 are rejected under 35 U.S.C. 102(b) or 103(a) over the patent to Hayashi, Leroy or Edèle.

Also, the specification are objected to and the claims are rejected for formal reasons.

In connection with the Examiner's formal objections and rejections, applicant has amended the specification and the claims, and therefore it is believed that the grounds for the formal objections and rejections are eliminated.

Also, the specification has been amended to provide corresponding headings. References to the claims in the specification has been removed as well.

It is therefore believed that the Examiner's grounds for the formal objections and rejections are eliminated.

After carefully considering the Examiner's grounds for the rejection of the claims over the art, applicants have amended claim 1 by introducing into it the features from claim 7, and also amended claim 10 by introducing into it some features from claim 1.

It is believed to be advisable to explain some features which have been added to the claims. In the preamble portion of the claim it is stated that the first coupling part is connected on its end opposite to the first joint to the first pivot lever via a second joint and the second coupling part is connected on its end opposite to the first joint to the second pivot lever via a third joint. The language "on its end opposite to the first joint" is provided to avoid an argument that the first joint and the second joint or the first joint and the third joint respectively could be located at the same place along the respective coupling parts.

The feature that the second coupling part is longer than the first coupling part was defined in the original claim 7. The last new feature in the claim that the first pivot lever and the second pivot lever are connected by a second coupling means in their swinging motion derives from the specification, for example page 10, lines 9-10 and the figures, wherein it is disclosed that the first and second pivot levers are connected in their swinging motion by a second coupling part which is not part of and does not incorporate the first coupling means. While the exemplary embodiments show that the second coupling means is embodied via a coupling element 47 (and the related first and second drive cranks 43, 45) it is obvious for a person skilled in the art that other means, e.g. different coupling members, gear mechanisms or belt arrangements, can be used as well. Therefore, it is believed that it should be well within the disclosure of the application to use the term "second coupling means".

It is respectfully submitted that claims 1 and 10 define the features which are not disclosed in the references and can not be derived from them as a matter of obviousness.

Turning now to the references and in particular to the patent to Hayashi, it can be seen that this reference does not disclose a wiper system

as defined in the amended claim 1, because the invention shows a coupling element 9 with a first coupling part 11 and a second coupling part 16 which are joined via a pivotable joint 15. The patent to Hayashi discloses a coupling element 5 which has only one coupling part. There is no any second part which is mentioned by the Examiner as the second coupling part 16. The joint 4b connects the coupling element with the first shaft 4, not with a second coupling element. The external gear 16 shown in Figures 13A-13C and 14A-14C is not a coupling arm and can not be longer than the first coupling element. It is therefore believed to be clear that the above mentioned and other new features of the present invention which are now defined in claim 1 are not disclosed in this reference.

The wiper systems disclosed in the patents to Leroy and Edele both do not show a second coupling element which is longer than a first coupling element. Thus, the present invention can not be anticipated by one of these two references as well.

The wiper system in accordance with the present invention provides a compact wiper device which can wipe out the corner areas of a windscreen of a vehicle. The dimension of the first and second coupling

elements and of the first and second shafts define the wiped area on the windscreen.

The method of the present invention for operating the wiper as defined in claim 10, is also not anticipated by any of the references because every reference shows a different wiper system which can not operate in the same way as the wiper system of the present invention.

It is therefore believed that the references do not disclose the new features of the present invention as now defined in claims 1 and 10.

The Examiner rejected the original claims as anticipated by the references. In connection with this, applicant wishes to cite the following decisions:

In Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984) it is stated:

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Definitely, the references do not disclose all claimed elements as arranged in the claims.

In Row v. Dror, 42 USPQ 2d 1550, 1553 (Fed. Cir. 1997) it was stated:

"A prior art reference anticipates a claim only if the reference discloses, either expressly or inherently, every limitation of the claim. .. Absence from the reference of any claimed element negates anticipation."

It is therefore believed that the Examiner's rejection of the original claims as anticipated should be considered as no longer tenable and should be withdrawn.

As for obviousness rejection under 35 U.S.C. 103, it is respectfully submitted that the references do not teach anything which can be derived from them as a matter of obviousness in the sense of the applicant's invention.

In order to arrive at the present invention from the references, the references have to be fundamentally modified. However, it is known that

in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has also been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in re Randol and Redford (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggestion; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

Definitely, the references do not disclose any hint or suggestion for such modifications.

As explained herein above, the present invention provides for the highly advantageous results which can not be accomplished by the constructions disclosed in the references.

It is well known that in order to support a valid rejection the art must also suggest that it would accomplish applicant's results. This was stated by the Patent Office Board of Appeals, in the case Ex parte Tanaka, Marushima and Takahashi (174 USPQ 38), as follows:

Claims are not rejected on the ground that it would be obvious to one of ordinary skill in the art to rewire prior art devices in order to accomplish applicants' result, since there is no suggestion in prior art that such a result could be accomplished by so modifying prior art devices.

In view of the above presented remarks and amendments, it is believed that claims 1 and 10 should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on the independent claims, they share their presumably allowable features, and they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be

helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', is written over the typed name.

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